

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of the Claims:

1. (Currently Amended) A method for controlling crown gall disease on a perennial plants species susceptible to the disease, said method comprising the step of introducing onto the plant an effective amount of a biologically pure culture of an  $\alpha$ -proteobacteria which is capable of forming crown gall disease, wherein the  $\alpha$ -proteobacteria strain is genetically engineered to express a *tx* operon, and wherein the  $\alpha$ -proteobacteria that produces trifolitoxin for controlling crown gall disease on plants.
2. (Currently Amended) The method of Claim 1 wherein the  $\alpha$ -proteobacteria ~~strain~~ is a strain of *Agrobacterium* bacteria.
3. (Original) The method of Claim 2 wherein the strain of *Agrobacterium* bacteria is *Agrobacterium vitis*.
4. (Currently Amended) The method of Claim 3 wherein the strain of *Agrobacterium* bacteria is the strain *Agrobacterium vitis* F2/5 (~~pT2TFXK~~), ATCC Patent Deposit Designation PTA-2356.
5. (Canceled)
6. (Currently Amended) The method of Claim 1 wherein the  $\alpha$ -proteobacteria ~~strain~~ is genetically engineered to express SEQ ID NO:1.
7. (Currently Amended) The method of Claim 1 wherein the  $\alpha$ -proteobacteria ~~strain~~ is genetically engineered to express a pT2TFXK plasmid.

8. (Original) The method of Claim 1 wherein the plant is either a grape plant, a fruit tree or a rose plant.

9. (Original) The method of Claim 1 wherein the plant is a seed.

10. (Currently Amended) A method for controlling crown gall disease on a perennial plants species susceptible to the disease, said method comprising the step of introducing onto the plant an effective amount of an  $\alpha$ -proteobacteria strain which is capable of forming crown gall disease, wherein the  $\alpha$ -proteobacteria is genetically engineered to express a *tfx* operon, and wherein the  $\alpha$ -proteobacteria engineered to produce produces trifolitoxin for controlling crown gall disease on plants.

11. (Currently Amended) The method of Claim 10 wherein the  $\alpha$ -proteobacteria ~~strain~~ is a strain of *Agrobacterium* bacteria.

12. (Original) The method of Claim 11 wherein the strain of *Agrobacterium* bacteria is *Agrobacterium vitis*.

13. (Currently Amended) The method of Claim 12 wherein the strain of *Agrobacterium* bacteria is the strain *Agrobacterium vitis* F2/5 (~~pT2TFXK~~), ATCC Patent Deposit Designation PTA-2356.

14. (Canceled)

15. (Currently Amended) The method of Claim 10 wherein the  $\alpha$ -proteobacteria ~~strain~~ is genetically engineered to express SEQ ID NO:1.

16. (Currently Amended) The method of Claim 10 wherein the  $\alpha$ -proteobacteria ~~strain~~ is genetically engineered to express a pT2TFXK plasmid.

17. (Original) The method of Claim 10 wherein the plant is either a grape plant, a fruit tree or a rose plant.

18. (Original) The method of Claim 10 wherein the plant is a seed.
19. (Currently Amended) A biocontrol agent for controlling crown gall disease comprising an  $\alpha$ -proteobacteria ~~strain~~ bacteria which is capable of forming crown gall disease, wherein the  $\alpha$ -proteobacteria is genetically engineered to express a *txf* operon to produce trifolitoxin.
20. (Currently Amended) The biocontrol agent of Claim 19 wherein the  $\alpha$ -proteobacteria ~~strain~~ is a strain of *Agrobacterium* bacteria.
21. (Original) The biocontrol agent of Claim 20 wherein the strain of *Agrobacterium* bacteria is *Agrobacterium vitis*.
22. (Currently Amended) The biocontrol agent of Claim 21 wherein the strain of *Agrobacterium* bacteria is *Agrobacterium vitis* F2/5 (~~pT2TFXK~~), ATCC Patent Deposit Designation PTA-2356.
23. (Canceled)
24. (Currently Amended) The biocontrol agent of Claim 19 wherein the  $\alpha$ -proteobacteria ~~strain~~ is genetically engineered to express SEQ ID NO:1.
25. (Currently Amended) The biocontrol agent of Claim 19 wherein the  $\alpha$ -proteobacteria ~~strain~~ is genetically engineered to express a pT2TFXK plasmid.